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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,225	11/20/2001	Marc Owerfeldt	SUNMP028	3546

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EXAMINER
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WALSH, JOHN B

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/990,225

Applicant(s)

OWERFELDT, MARC

Examiner

John B. Walsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/24/2005</u>   | 6) <input type="checkbox"/> Other: ____                                     |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over RTP (<http://www2.rad.com/networks/1996/iphone/rtp.htm>) in view of U.S. Patent No. 6,175,789 to Beckert et al.

As concerns claim 1, a Real-Time Protocol (RTP) stack, comprising: a receiver module (module at the application layer, above the transport layer) capable of receiving data via an underlying transport layer; and a small device profile that defines a bandwidth fraction for RTCP control data to be less than five percent (RTP can be used without RTCP; therefore RTCP bandwidth fraction is zero, which is less than five percent).

As concerns claims 2 and 11, wherein the small device profile defines the bandwidth fraction for the RTCP control data to be zero (RTCP not used, therefore bandwidth fraction is zero).

As concerns claims 3 and 12, the RTP stack does not process the RTCP data (RTCP not used, therefore stack does not process the RTCP data).

As concerns claims 6 and 15, the RTP stack does not transmit RTP data (may only receive RTP data at a point in time).

As concerns claim 7, further comprising a transport-independent tasks module (see below, Beckert et al. teach modules), wherein the transport independent tasks module includes methods that are independent of the underlying transport layer (RTP, line 8, RTP transport independent).

As concerns claim 8, further comprising a connector module (see below, Beckert et al. teach modules) in communication with the transport-independent module, wherein the connector module includes methods that are dependent on the underlying transport layer (connector is at the physical layer which is interconnected with the transport layer; each layer is interconnected resulting in their dependency).

As concerns claims 9 and 19, the connector modules receives RTP data from the underlying transport layer and provides the RTP data to the transport independent module as an RTP input stream (inherent for RTP data to be transmitted as a stream).

As concerns claim 10, a RTP stack comprising: a manager module (see below, Beckert et al. teach modules) that manages operations performed by the RTP stack; a connector module (see below, Beckert et al. teach modules) that receives data from an underlying transport layer, the connector module processing the data to create an input stream; a receiver module (see below, Beckert et al. teach modules) in communication with the connector module, the receiver module capable of receiving the input stream from the connector module; and a small device profile that defines a bandwidth fraction for RTCP control data to be less than five percent (RTP can be used without RTCP, therefore RTCP bandwidth fraction is zero, which is less than five percent).

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As concerns claim 16, a RTP stack comprising: a transport independent tasks module (see below, Beckert et al. teach modules), wherein the transport independent tasks module includes methods that are independent of the underlying transport layer (RTP, line 8, RTP transport independent); a connector module (see below, Beckert et al. teach modules) in communication with the transport-independent module, wherein the connector module includes methods that are dependent on the underlying transport layer (connector is at the physical layer which is interconnected with the transport layer, each layer is interconnected resulting in their dependency); a small device profile that defines a bandwidth fraction for RTCP control data to be zero (RTCP not used, therefore bandwidth fraction is zero), wherein the RTP stack does not process RTCP data (RTCP not used, therefore stack does not process the RTCP data), and wherein the RTP stack does not transmit RTP data (may only receive RTP data at a point in time).

As best understood concerning claim 20, the RTP stack is capable of being deployed in a small device having restrictive memory requirements (the term restrictive memory requirements is a relative term and the RTP is capable of being deployed in a phone).

As concerns claims 4, 5, 13, 14, 17 and 18, the limitation of the RTP stack comprises less than 150 kb and less than 60 kb is seen as an obvious design choice. The RTP stack inherently has a particular value of data storage in bytes. The particular value is seen as an obvious design choice because the particular values, 150kb and 60kb, have not been indicated by the applicant as having a particular patentable significance.

It is well known in the art of software design when constructing an application to create modules, which are a portion of the program that perform a particular function, and it would

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have been obvious to one having ordinary skill in the art to create modules such as a receiver module, tasks module, connector module and manager module. Beckert et al. teach modules (figure 2) which provides for easy interfacing.

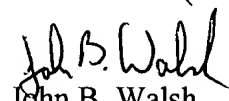
***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The examiner can normally be reached on Monday-Friday from 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
John B. Walsh  
Primary Examiner  
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